



SUBJECT: Biological Resources Description and Recommendations
Rollins Rural Inn Project, R2015-01265,
33528 Mulholland Highway, Malibu, 90265
Cabins (7 Inns, 9 units), Reception Building with Coffee and Kitchen Facilities,
Caretaker Residence of 2 levels, 3 bedrooms, 3.5 baths, 4-car garage, pool

FROM: Shirley Imsand, Ph.D., Senior Biologist, Department of Regional Planning
Rollins Rural Inn Project, 33528 Mulholland Highway, Malibu 90265
Project No. R2015-01265
Permit No. CDP 201500059
APN: 4472-009-012
Location: Mulholland Highway, west of Decker Canyon Road
USGS Quad: Triunfo Pass
Applicant: Everett Rollins
Biologists: Steve Nelson, Carl Wishner

With contributions of data from adjacent surveys: Jacqueline Worden & Edith Read, Ph.D., Impact Sciences
Planner: Shaun Temple

Project Description with respect to Impacts to Biological Resources: The project parcel of 16.5 acres is on a broad rise between the watersheds of Encinal Canyon on the east and Arroyo Sequit East Fork on the west. It includes a terminal end of the significant ridgeline between those watersheds, and the caretaker residence is planned to be on the north terminus within the parcel. The designated significant ridgeline ends at the southern property boundary and has lichen and bryophyte cover on the rock outcrops there. At the property boundary the ridgeline forks and continues north into an eastern elevated area, which will have the septic system for the project; and a western elevated area with the caretaker's house located at the terminus.

The nearest conserved natural area is a parcel owned by Mountains Recreation & Conservation Authority (MRCA) on the northwest corner of the junction of Mulholland Highway and Little Sycamore Road, across the road from the project parcel and entry. National Park Service (NPS) land is 0.1 mi. to the east and 0.2 mi. to the west. The planned rural inn units will have footprints of 370 sq.ft. and 744 sq.ft. (roof area measurements), and with the reception building totaling a footprint of about 4618 sq.ft. The residence, garage and pool footprint will be 3573 sq.ft., totaling 7518 sq.ft. of non-permeable area. Permeable pavers are planned for driveways and residence patio areas of 17,255 sq.ft., 5800 ft. converted from paved to permeable pavers, and new driveway 240-ft. long. With added driveway and parking, the new footprint added is about 11,500 sq.ft. Runoff is planned to be directed to cisterns beneath each building and used for irrigation.

The parcel has significant biological resources, H1-type elements mapped and unmapped: herbaceous wildflower areas, rock outcrops with lichens and bryophytes, mapped and unmapped oak woodland. The northwest area where the cabins and facilities are planned is mapped as H3 and has typical chaparral plants, but in addition includes the less common Redshank (*Adenostema sparsifolium*). It has oak woodland groups, rock outcrops with diverse lichens and bryophytes, and it showed diverse, seasonally-changing, wildflower displays in the drought of 2015-2016. The NPS mapping placed herbaceous cover in the south of the parcel, and this probably should have extended to the northwest corner. Somewhat unusual, showy wildflowers in the area planned for the Inn buildings included Catalina mariposa lilies (*Calochortus catalinae*, 30-50 individuals, Mar 25, which are proposed to be transplanted); padre's shooting stars (*Primula clevelandii*, March 14-25); Danny's skullcap (*Scutellaria tuberosa*, March 14-25); and Foothill Penstemon (*Penstemon heterophylla*, May-June).

Rock outcrops with diverse lichen and bryophyte flora, an H1 element, are scattered about the parcel in the southern hilltop outcrops, boulders at the peripheral area of the agricultural area, within the H3 area planned for the Rural Inn cabins, and along Mulholland Highway in the H3 area. Impacted by the cabin-inns will be a rock outcrop with 2 mosses, and at least 14 different lichens. This resource in the cabin area would probably be lost due to project activity.

The parcel has H1-mapped oak woodland of fine, large coast live-oaks (*Quercus agrifolia*) that has suffered dramatic loss from what has been analyzed as Polyphagous Shothole Borer (PSHB) infestation (owner's communication). Using the map of previously-numbered oaks (from before the PSHB damage) DRP biologist determined that of 153 oaks

(124 numbered and 29 unnumbered) 60% were still alive in apparently good to fair condition (over 50% of the tree with leafed canopy), 23% were dead, and 15% were half or more dead (but 8% had resprouts). The understory of the H1 oak woodland on the project parcel was cleared to facilitate dog shows and camping under a previous owner. Dr. Read reports that oaks near Mulholland show observable damage, and the report has an illustration. The southern quadrat of 3 quadrats apparently did not show damage.

The H3 agricultural grassland on the adjacent parcel to the east was analyzed by interval transects by Ms. Worden, and found to be close to 100% non-native grasses and herbs, and it is probable that this continues onto the H3 agricultural grassland of the project parcel. The agricultural grassland has almost no native components.

Landscape: The landscape is planned to be locally native plants with removal of some plants that have tree size and encroachment of oaks by the project for providing water supply from the Decker Canyon-Mulholland intersection. Non-natives including the eucalyptus in the unpermitted fuel modification will be removed and parts taken to a landfill. Irrigation for fire safety and to establish mitigation trees is planned for the project and shown in the landscape plans. The project has a Native Tree Replacement Plan that will place and monitor mitigation trees on the project parcel.

Fuel Modification: Fuel modification for the cabin area completely covers the natural H3 area of the project, Fuel modification is about 70% new fuel mod, less than half in the agricultural field area. Zone C for the cabins does not include new area in H1-mapped oak woodland, but does extend into the MRCA parcel and west into the Arroyo Sequit drainage (drainage and drainage vegetation mapped as H2 area). Fuel mod for the caretaker residence will extend into new fuel-modification areas of the H1-mapped oak woodland on the east and be within existing fuel modification for existing houses on the west. New fuel modification in H1-mapped oak woodland is not permitted by the LIP, but could be remapped to H3 because of substantial impact to the oak woodland understory and PSHB damage.

Hazards: There is no designated critical habitat in the project area. There are no CNDDDB reports of special status species on the project site, but vegetation survey did discover RPR H4.2 Catalina mariposa-lily growing on one of the cabin sites. The vicinity, however, has sycamore-oak woodland in the Arroyo-Sequit nearby branch and riparian-associated vegetation may be impacted by fuel modification thinning. There is no H2 high scrutiny habitat designated in the project area, although the H3 area planned for the cabins appears to be this kind of habitat. All of the project parcel is in a Very High Fire Hazard area.

Project Requests: The ERB should make recommendations on the plans. A conundrum faced in design of the project is that the highly disturbed agricultural grassland (most impacted land on the parcel) is adjacent to the H1-mapped oak woodland so that placing cabins there on the agricultural field would require new fuel modification in the H1 oak woodland, which is not permitted in the SMM LIP. Because of the removal of the oak woodland understory and the infestation of PSHB, the oak woodland is far more impacted than the area planned for the cabins, which is probably the most valuable habitat on the parcel because of the small oak woodland areas, rock outcrop community, and the wildflower displays. As the evaluation by biologist Carl Wishner indicates, fuel modification will be little impact in the H1 oak woodland since there is no understory except non-native grass, and it may improve the woodland by chipping up downed wood and dead branches. (Removal of the dead wood would not be advised because of the infestation contamination of PSHB.) But placing the cabin-inn area on the corner H3 will eliminate the sensitive habitat there on the central rock outcrop and much of the wildflower display. Only a small area of the corner H3 has been impacted by clearing and placement of eucalyptus trees. Remapping of the habitat designations and relocating the cabins is the solution to make best use of the parcel impacted areas and preserve its valuable biological resources.

Draft Recommendations, Staff Biologist, Shirley Imsand, 2016.10.20

ERB PROJECT SPECIFIC RECOMMENDATIONS:

REMAPPING:

1. The corner H3 natural habitat (where cabins are currently planned) should be remapped as H2-high scrutiny, which would partially protect the natural area with wildflowers, rock outcrops with bryophyte-lichen flora, and small oak woodland areas (currently mapped H3) from further development.

2. Cabin-inns, utilities, parking, and irrigation should be relocated to the agricultural field non-native grassland, as far from the oak woodlands as possible.

3. For the area needing fuel modification, H1-mapped oak woodland needed for fuel modification should be remapped to H3 habitat with sensitive H1 elements. This may become a commons area for the rural inn, due to the easy access with the cleared understory. Permitting new fuel modification there would benefit the woodland function, since chipping of beetle-infested wood and dead wood and leaving the chips in place is the recommended action for plagues of bark beetles.

BEST MANAGEMENT:

4. Equipment for grading, construction, landscaping, and fuel modification should be pressure-washed including the undercarriage and wheel wells before transport to the property to remove dirt and any invasive plant propagules.

CONSTRUCTION RUNOFF AND POLLUTION CONTROL PLAN (CRPCP):

5. The permittee's contractor shall comply with all litter and pollution laws and will provide covered trash receptacles so that all food scraps, food wrappers, beverage containers, etc. can be disposed of. The contractor will empty the trash receptacles at the end of each day or as needed, and dispose of it at an off-site landfill.

6. The permittee's contractor shall ensure that no debris, bark, slash sawdust, rubbish, cement or concrete or washing thereof, oil petroleum products, or other organic material from any construction, or associated activity of whatever nature, shall be allowed to enter into, or be placed where it may be washed by rainfall or runoff into the nearby stream (Arroyo Sequit East Fork).

7. The permittee's contractor shall refuel and lubricate all equipment over drip pans or other appropriate containment devices.

8. The permittee's contractor shall position all stationary equipment and any equipment that is to be repaired over the drip pans or other appropriate containment devices.

9. The permittee's contractor shall check and maintain all equipment on a daily basis in order to prevent leaks. If a leak occurs, the permittee's contractor shall immediately clean up any spills and fix the leak.

10. The permittee's contractor shall make available at the site all supplies necessary for clean-up of spills (absorbent and barrier materials in quantities determined by the permittee's contractor to be sufficient to capture the largest reasonably foreseeable spill and drums or containers suitable for holding and transporting contaminated materials).

FUEL MODIFICATION:

11. Disking and clearing for fuel modification is prohibited in the LIP §22.44.1240.A.2. Instead fuel modification should be done by hand tools, including weed whips, grazing, or mowing leaving plant stubble cover.

12. Any large equipment used should be pressure-washed to remove invasive plant propagules before transport to the site.

13. Wildlife surveys for birds and bats should be done before any clearing, grubbing, grading, driveway expansion or fuel modification activities are scheduled to begin. Chipping of downed and dead wood in the oak woodland area should also be preceded by bird and bat surveys.

POOLS AND SPAS:

14. Emptying of pool shall be done with a pump into tank trucks avoiding discharge into the native habitat.

SENSITIVE HABITATS, PLANTS, AND ANIMALS

15. The current fencing shall be modified to conform with requirements for wildlife-permeable fencing described in the LIP (§22.44.1310).

16. Bat survey should be done any time of year pre-construction. CDFW protocols should be followed for removal of structures and trees with bats and extirpation of bats from rock outcrops. Bat maternity colonies are possible and should not be disturbed (March 1-September 30). CDFW should be consulted in all cases when bat roosts are to be removed or blocked. In the event of bat expulsion, bat habitat should be constructed appropriate to the species being expelled.

17. Tree removals shall be done carefully in order to allow roosting birds and bats to escape. To the extent feasible, tree removal or relocation shall be scheduled between October 1 and November 30, in order to be outside bird nesting season (December 1 to August 30) and outside of the bat maternity roosting season (March 1 to September 30). Trees shall be removed in a manner that allows birds and bats to escape, pushed or pulled to the ground in 2-3 nudges, with a pause of approximately 30 seconds between each nudge to allow bats and birds to become active. The tree should then be pushed to the ground slowly and should remain in place for a period

of 48 hours to allow any trapped animals to escape. Chain saws shall only be used after the tree has been on the ground for 48 hours.

18. Beginning thirty days prior to the initiation of project activities (grading, brush clearance, etc) and regardless of time of year, a qualified biologist with experience in conducting breeding bird surveys shall conduct weekly bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 500 feet of the disturbance area. The surveys should continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of project activities. If a protected native bird is found, the project proponent should delay all project activities until the qualified biologist determines the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Alternatively, the qualified biologist could mark a buffer zone for the nest with flagging, stakes and construction fencing to demarcate 300 feet for passerines (or 500 feet for raptors) between the project activities and the nest. CDFW must authorize closer buffer distances. Monitoring biologist shall use judgment, but in general, buffers should be determined so that construction activities result in noise less than 60 dB at the nest. The monitor shall communicate about the prohibition buffers with the foremen and work crews. Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. The project proponent shall provide a report of the results of surveys and protective measures to the CEQA lead agency and CDFW, in order to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

19. Glass should be least reflective and/or have frit patterns that will promote energy conservation and also prevent bird strikes when the bird mistakes a reflection of habitat for available flight space.

20. Project should carefully follow provisions of the LIP lighting §22.44.1270 for exterior lighting. Avoid trespass of light into the sky and any natural areas in all Habitat Categories and any natural areas of fuel modification, both on and off the project parcels.

LANDSCAPE & MITIGATION PLANS:

22. Mitigation plan for Catalina mariposa-lilies shall be prepared and approved by DRP biologist in time for survey of impact site and transplant site in 2017. Survey must occur during peak time of bloom for Catalina mariposa-lily (*Calochortus catalinae*).

21. Transplant area for Catalina mariposa-lilies of three times area of impact is to be determined by February 2017 with concurrence for appropriate site by DRP biologist. Survey of existing sensitive species at the translocation site is to begin. At least 2 years and preferably 3 years of background data are needed to determine success of transplant. Eventually density of impact area for Catalina mariposa-lily should be replicated in area of translocation.

22. Mitigation plans have been prepared for 75 mitigation trees: 23 *Quercus agrifolia*, 10 *Cercocarpus betuloides*, 35 *Heteromeles arbutifolia*, 10 *Quercus dumosa* or *Q. berberidifolia*. Three of the *Quercus agrifolia* were previously planted by the applicant (?). Plans shall be amended to add 10 *Heteromeles arbutifolia*.

23. Mitigation, monitoring and reporting is in the draft Native Tree Replacement Planting Program, which shall be approved by DRP biologist prior to award of any permit for Project disturbance.

24. Incorporate recommendations for the Landscape Plan and the Native Tree Replacement Planting Program from the document "LandscapeEvaluation-RollinsRuralInn-20161027"

ADEQUACY OF THE BIOLOGICAL REPORT

All of the Biological Reports used together (some from the adjacent parcel), as reviewed by the staff biologist, adequately address the requirements of the Santa Monica Mountains Local Coastal Program. There are some discrepancies among the reports. Biological materials prepared for ERB should also be used.

CONSISTENCY

The project is inconsistent with the biological resource protection policies and development standards of the Santa Monica Mountains Local Coastal Program and Local Implementation Program. Cabin sites need to be repositioned to impacted land of the project parcel. The natural H3 area needs to be redesignated H2 high scrutiny. The impacted oak woodland areas for fuel modification need to be redesignated H3 with H1 elements and have modification to remove dead and downed wood and best management for the bark beetle infestation.

ERB Meeting Date: 21 November 2016
ERB Evaluation: ☐ Consistent ☐ Consistent after Modifications
☒ Inconsistent ☐ No decision

ERB Meeting Date: 21 November 2016
Staff Recommendation: ☐ Consistent ☐ Consistent after Modifications
☒ Inconsistent ☐ No decision

Suggested Modifications: Comply with all ERB recommendations.
Relocate cabin-inn units to agricultural field non-native grassland.
Remap habitat categories to accord with survey determinations.
